

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 758, Page 8, Section
2 208.141, Line 27, by inserting immediately after said line the following:

3
4 "335.016. As used in this chapter, unless the context clearly requires otherwise, the
5 following words and terms mean:

6 (1) "Accredited", the official authorization or status granted by an agency for a program
7 through a voluntary process;

8 (2) "Advanced practice registered nurse", a [nurse] person licensed pursuant to the
9 provisions of this chapter and authorized to engage in the practice of advanced practice professional
10 nursing and who has education beyond the basic nursing education and is certified by a nationally
11 recognized professional organization as a certified nurse practitioner, certified nurse midwife,
12 certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall
13 promulgate rules specifying which nationally recognized professional organization certifications are
14 to be recognized for the purposes of this section. Advanced practice nurses and only such
15 individuals may use the title "Advanced Practice Registered Nurse" and the abbreviation "APRN".
16 Each APRN is accountable for:

17 (a) Complying with the requirements of sections 335.011 to 335.096, the nursing practice
18 act, and the quality of advanced nursing care rendered;

19 (b) Consulting with or referring patients, as appropriate, to other health care providers; and

20 (c) Recognizing the scope of APRN practice and its boundaries;

21 (3) "Advanced practice registered nursing":

22 (a) The performance of advanced nursing with or without compensation that requires
23 advanced education and specialized training to enable enhanced judgment and skill within such
24 scope of training for patient care, and includes but is not limited to the performance of acts in
25 accordance with the registered professional nursing scope of practice and the following:

26 a. Patient assessment that leads to advanced diagnosis within the scope;

27 b. Ordering diagnostic and therapeutic tests and procedures;

28 c. Performing tests and procedures within the scope of practice and interpreting and using
29 results to further patient care;

30 d. Ordering treatments, appropriate medical devices and using nursing, medical, therapeutic,
31 and corrective measures to treat illness and improve health status;

Action Taken _____ Date _____

- 1 e. Providing palliative and end-of-life advanced nursing care;
- 2 f. Providing advanced counseling, patient education, health education, and patient advocacy;
- 3 g. Ordering appropriate medications in accordance with prescriptive authority;
- 4 h. Delegating selected nursing activities or tasks to licensed practical nurses, registered
- 5 professional nurses, or other health care providers;
- 6 i. Providing primary provider services for patient care; and
- 7 j. Planning and initiating a therapeutic medical regimen as well as nutritional, diagnostic,
- 8 and supportive services including, but not limited to, home health care, hospice, and therapy
- 9 services;

10 (4) "Approval", official recognition of nursing education programs which meet standards
11 established by the board of nursing;

12 [(4)] (5) "Board" or "state board", the state board of nursing;

13 [(5)] (6) "Certified clinical nurse specialist", a registered nurse who is currently certified as a
14 clinical nurse specialist by a nationally recognized certifying board approved by the board of
15 nursing;

16 [(6)] (7) "Certified nurse midwife", a registered nurse who is currently certified as a nurse
17 midwife by the American [College of Nurse Midwives] Midwifery Certification Board, or other
18 nationally recognized certifying body approved by the board of nursing;

19 [(7)] (8) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse
20 practitioner by a nationally recognized certifying body approved by the board of nursing;

21 [(8)] (9) "Certified registered nurse anesthetist", a registered nurse who is currently certified
22 as a nurse anesthetist by the [Council on Certification of Nurse Anesthetists, the Council on]
23 National Board of Certification and Recertification [of] for Nurse Anesthetists, or other nationally
24 recognized certifying body approved by the board of nursing;

25 [(9)] (10) "Executive director", a qualified individual employed by the board as executive
26 secretary or otherwise to administer the provisions of this chapter under the board's direction. Such
27 person employed as executive director shall not be a member of the board;

28 [(10)] (11) "Inactive nurse", as defined by rule pursuant to section 335.061;

29 [(11)] (12) "Lapsed license status", as defined by rule under section 335.061;

30 [(12)] (13) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the
31 provisions of this chapter to engage in the practice of practical nursing;

32 [(13)] (14) "Licensure", the issuing of a license to practice professional or practical nursing
33 to candidates who have met the specified requirements and the recording of the names of those
34 persons as holders of a license to practice professional or practical nursing;

35 [(14)] (15) "Practical nursing", the performance for compensation of selected acts for the
36 promotion of health and in the care of persons who are ill, injured, or experiencing alterations in
37 normal health processes. Such performance requires substantial specialized skill, judgment and
38 knowledge. All such nursing care shall be given under the direction of a person licensed by a state
39 regulatory board to prescribe medications and treatments or under the direction of a registered
40 professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or
41 supervision provided by a person licensed by a state regulatory board to prescribe medications and

1 treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise
 2 communicated orders or directives for patient care. When practical nursing care is delivered
 3 pursuant to the direction of a person licensed by a state regulatory board to prescribe medications
 4 and treatments or under the direction of a registered professional nurse, such care may be delivered
 5 by a licensed practical nurse without direct physical oversight;

6 [(15)] (16) "Professional nursing", the performance for compensation of any act which
 7 requires substantial specialized education, judgment and skill based on knowledge and application of
 8 principles derived from the biological, physical, social and nursing sciences, including, but not
 9 limited to:

10 (a) Responsibility for the teaching of health care and the prevention of illness to the patient
 11 and his or her family;

12 (b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured
 13 or experiencing alterations in normal health processes;

14 (c) The administration of medications and treatments as prescribed by a person licensed by a
 15 state regulatory board to prescribe medications and treatments;

16 (d) The coordination and assistance in the delivery of a plan of health care with all members
 17 of a health team;

18 (e) The teaching and supervision of other persons in the performance of any of the
 19 foregoing;

20 [(16)] (17) A "registered professional nurse" or "registered nurse", a person licensed
 21 pursuant to the provisions of this chapter to engage in the practice of professional nursing;

22 [(17)] (18) "Retired license status", any person licensed in this state under this chapter who
 23 retires from such practice. Such person shall file with the board an affidavit, on a form to be
 24 furnished by the board, which states the date on which the licensee retired from such practice, an
 25 intent to retire from the practice for at least two years, and such other facts as tend to verify the
 26 retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice,
 27 the licensee shall renew his or her license with the board as provided by this chapter and by rule and
 28 regulation.

29 335.019. 1. The board of nursing may grant a certificate of controlled substance prescriptive
 30 authority to an advanced practice registered nurse who:

31 (1) Submits proof of successful completion of an advanced pharmacology course that shall
 32 include preceptorial experience in the prescription of drugs, medicines and therapeutic devices; and

33 (2) Provides documentation of a minimum of three hundred clock hours preceptorial
 34 experience in the prescription of drugs, medicines, and therapeutic devices with a qualified
 35 preceptor; and

36 (3) Provides evidence of a minimum of one thousand hours of practice in an advanced
 37 practice nursing category prior to application for a certificate of prescriptive authority. The one
 38 thousand hours shall not include clinical hours obtained in the advanced practice nursing education
 39 program. The one thousand hours of practice in an advanced practice nursing category may include
 40 transmitting a prescription order orally or telephonically or to an inpatient medical record from
 41 protocols developed in collaboration with and signed by a licensed physician; and

1 (4) Has a controlled substance prescribing authority delegated in the collaborative practice
2 arrangement under section 334.104 with a physician who has an unrestricted federal Drug
3 Enforcement Administration registration number and who is actively engaged in a practice
4 comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.

5 2. Excluding controlled substances as defined in section 195.010 (5), all licensed APRNs are
6 authorized to:

7 (1) Prescribe, institute and administer medication and medication therapy or make
8 appropriate referrals of patients to health care providers and community resources; and

9 (2) Procure, administer, and dispense samples.

10 3. The provisions of this section shall not apply to a certified registered nurse anesthetist who
11 provides anesthesia services under circumstances described in subsection 7 of section 334.104.

12 335.036. 1. The board shall:

13 (1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the
14 board may appoint, employ and fix the compensation of a legal counsel and such board personnel as
15 defined in subdivision (4) of subsection [10] 11 of section 324.001 as are necessary to administer the
16 provisions of sections 335.011 to 335.096;

17 (2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into
18 effect the provisions of sections 335.011 to 335.096;

19 (3) Prescribe minimum standards for [educational] entry level nursing education programs
20 preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

21 (4) Provide for surveys of such programs every five years and in addition at such times as it
22 may deem necessary;

23 (5) Designate as "approved" such programs as meet the requirements of sections 335.011 to
24 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually
25 publish a list of such programs;

26 (6) Deny or withdraw approval from educational programs for failure to meet prescribed
27 minimum standards;

28 (7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

29 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to 335.096,
30 and may incur such necessary expenses therefor;

31 (9) Keep a record of all the proceedings; and make an annual report to the governor and to
32 the director of the department of insurance, financial institutions and professional registration;

33 (10) Establish an impaired nurse program.

34 2. The board shall set the amount of the fees which this chapter authorizes and requires by
35 rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially
36 exceed the cost and expense of administering this chapter.

37 3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096
38 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund.
39 All administrative costs and expenses of the board shall be paid from appropriations made for those
40 purposes. The board is authorized to provide funding for the nursing education incentive program
41 established in sections 335.200 to 335.203.

1 4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall
2 not be transferred and placed to the credit of general revenue until the amount in the fund at the end
3 of the biennium exceeds two times the amount of the appropriation from the board's funds for the
4 preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly,
5 then three times the appropriation from the board's funds for the preceding fiscal year. The amount,
6 if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate
7 multiple of the appropriations from the board's funds for the preceding fiscal year.

8 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
9 under the authority delegated in this chapter shall become effective only if it complies with and is
10 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking
11 authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this
12 section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August
13 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are
14 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
15 review, to delay the effective date or to disapprove and annul a rule are subsequently held
16 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
17 August 28, 1999, shall be invalid and void.

18 335.046. 1. An applicant for a license to practice as a registered professional nurse shall
19 submit to the board a written application on forms furnished to the applicant. The original
20 application shall contain the applicant's statements showing the applicant's education and other such
21 pertinent information as the board may require. The applicant shall be of good moral character and
22 have completed at least the high school course of study, or the equivalent thereof as determined by
23 the state board of education, and have successfully completed the basic professional curriculum in an
24 accredited or approved school of nursing and earned a professional nursing degree or diploma. Each
25 application shall contain a statement that it is made under oath or affirmation and that its
26 representations are true and correct to the best knowledge and belief of the person signing same,
27 subject to the penalties of making a false affidavit or declaration. Applicants from
28 non-English-speaking lands shall be required to submit evidence of proficiency in the English
29 language. The applicant must be approved by the board and shall pass an examination as required by
30 the board. The board may require by rule as a requirement for licensure that each applicant shall
31 pass an oral or practical examination. Upon successfully passing the examination, the board may
32 issue to the applicant a license to practice nursing as a registered professional nurse. The applicant
33 for a license to practice registered professional nursing shall pay a license fee in such amount as set
34 by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be
35 licensed as prescribed by rule.

36 2. An applicant for license to practice as a licensed practical nurse shall submit to the board a
37 written application on forms furnished to the applicant. The original application shall contain the
38 applicant's statements showing the applicant's education and other such pertinent information as the
39 board may require. Such applicant shall be of good moral character, and have completed at least two
40 years of high school, or its equivalent as established by the state board of education, and have
41 successfully completed a basic prescribed curriculum in a state-accredited or approved school of

nursing, earned a nursing degree, certificate or diploma and completed a course approved by the board on the role of the practical nurse. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking countries shall be required to submit evidence of their proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice as a licensed practical nurse. The applicant for a license to practice licensed practical nursing shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

3. (1) An applicant for initial licensure to practice as an APRN shall:

(a) Submit a completed application as established by the board. The application shall contain:

a. The applicant's statements showing the applicant's education and other such pertinent information as the board may require; and

b. A statement that the application is made under oath or affirmation and that the representations contained in the application are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration;

(b) Be of good moral character, and meet the following educational requirements:

a. Prior to July 1, 1998, completion of a formal post basic educational program from or formally affiliated with an accredited college, university, or hospital of at least one academic year, which includes advanced nursing theory and clinical nursing practice, leading to a graduate degree or certificate with a concentration in an advanced practice nursing clinical specialty area;

b. From and after July 1, 1998, completion of a graduate degree from an accredited college or university with a concentration in an advanced practice nursing clinical specialty area, which includes advanced nursing theory and clinical nursing practice;

c. From and after January 1, 2009, have completed an accredited graduate level APRN program in one of the four roles and at least one population focus;

(c) Be currently certified by a national certifying body recognized by the board in the APRN role and population foci appropriate to educational preparation;

(d) Be approved by the board; and

(e) Provide other evidence as required by rule.

(2) Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language and shall be licensed as prescribed by rule.

(3) The applicant for a license to practice as an advanced practice registered nurse shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants.

(4) Once an APRN license is issued, the license holder's APRN license and RN license shall be treated as one license for the purpose of renewal and assessment of renewal fees.

(5) Any person holding a document of recognition to practice nursing as an advanced

1 practice registered nurse in this state which is valid on August 28, 2013, shall be deemed licensed as
 2 an APRN under this section.

3
 4 4. Upon refusal of the board to allow any applicant to sit for either the registered
 5 professional nurses' examination or the licensed practical nurses' examination, as the case may be,
 6 the board shall comply with the provisions of section 621.120 and advise the applicant of his or her
 7 right to have a hearing before the administrative hearing commission. The administrative hearing
 8 commission shall hear complaints taken pursuant to section 621.120.

9 [4.] 5. The board shall not deny a license because of sex, religion, race, ethnic origin, age or
 10 political affiliation.

11 335.056. The license of every person licensed under the provisions of [sections 335.011 to
 12 335.096] this chapter shall be renewed as provided. An application for renewal of license shall be
 13 mailed to every person to whom a license was issued or renewed during the current licensing period.
 14 The applicant shall complete the application and return it to the board by the renewal date with a
 15 renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The
 16 certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period
 17 stated in the certificate of renewal. Any person who practices nursing as an advanced practice
 18 registered nurse, as a registered professional nurse, or as a licensed practical nurse during the time
 19 his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the
 20 penalties provided for violation of the provisions of [sections 335.011 to 335.096] this chapter.

21 335.086. No person, firm, corporation or association shall:

22 (1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing
 23 diploma, license, renewal or record or aid or abet therein;

24 (2) Practice professional or practical nursing as defined [by sections 335.011 to 335.096] in
 25 this chapter under cover of any diploma, license, or record illegally or fraudulently obtained or
 26 signed or issued unlawfully or under fraudulent representation;

27 (3) Practice [professional nursing or practical] nursing as defined [by sections 335.011 to
 28 335.096] in this chapter unless duly licensed to do so under the provisions of [sections 335.011 to
 29 335.096] this chapter;

30 (4) Use in connection with his or her name any designation tending to imply that he or she is
 31 a licensed advanced practice registered nurse, a registered professional nurse, or a licensed practical
 32 nurse unless duly licensed so to practice under the provisions of [sections 335.011 to 335.096] this
 33 chapter;

34 (5) Practice [professional nursing or practical] nursing during the time his or her license
 35 issued under the provisions of [sections 335.011 to 335.096] this chapter shall be suspended or
 36 revoked; or

37 (6) Conduct a nursing education program for the preparation of professional or practical
 38 nurses unless the program has been accredited by the board."; and

39
 40 Further amend said bill by amending the title, enacting clause, and intersectional references
 41 accordingly.